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Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Russian Federation and Sudan*: revised draft resolution

Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its resolutions 56/266 of 27 March 2002, 57/195 of 18 December 2002, 58/160 of 22 December 2003, 59/177 of 20 December 2004 and 60/144 of 16 December 2005, which guided the comprehensive follow-up to and effective implementation of the World Conference, and in this regard underlining the importance of their full and effective implementation,

Welcoming the outcome of the Durban Review Conference convened in Geneva from 20 to 24 April 2009 within the framework of the General Assembly in accordance with its resolution 61/149 of 19 December 2006,

Noting the approaching commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action,[1]

Recalling all of the relevant resolutions and decisions of the Commission on Human Rights and of the Human Rights Council on this subject, and calling for their implementation to ensure the successful implementation of the Durban Declaration and Programme of Action,

* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

[1] See A/CONF.189/12 and Corr.1, chap. I.

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Noting Human Rights Council decision 3/103 of 8 December 2006,[2] by which, heeding the decision and instruction of the 2001 World Conference, the Council established the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards,

Bearing in mind the responsibility and obligations of the Human Rights Council emanating from the outcome of the Durban Review Conference,[3]

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Convinced that racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

Underlining the primacy of political will, international cooperation and adequate funding at the national, regional and international levels needed to address all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance,

Alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Welcoming the continued commitment of the United Nations High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and recognizing the need for the High Commissioner to make this a cross-cutting issue in the activities and programmes of her Office,

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[2] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. II, sect. B.

[3] See A/CONF.211/8.

I

Outcomes of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the 2009 Durban Review Conference

1. *Reaffirms* that the General Assembly is the highest intergovernmental mechanism for the formulation and appraisal of policy on matters relating to the economic, social and related fields, in accordance with Assembly resolution 50/227 of 24 May 1996, and that, together with the Human Rights Council, it shall constitute an intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

2. *Expresses its satisfaction* that the Durban Review Conference and its Preparatory Committee provided for the active participation of Member States and Observers of the United Nations, United Nations specialized agencies, United Nations funds and programmes, various intergovernmental organizations as well as the major groups representing all regions of the world, at the highest level, and notes the contributions of non-governmental organizations in the preparation of the Durban Review Conference, which were broad-based, regionally balanced and consistent with the objectives of the conference;

3. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action as well as the outcome of the Durban Review Conference and, in this regard, welcomes the steps taken by numerous Governments;

4. *Calls upon* all States that have not yet elaborated their national action plans on combating racism, racial discrimination, xenophobia and related intolerance to comply with their commitments undertaken at the World Conference;

5. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

6. *Urges* States to support the activities of existing regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance in their respective regions, and recommends the establishment of such bodies in all regions where they do not exist;

7. *Calls upon* those States that have not yet done so to consider signing and ratifying or acceding to the instruments enumerated in paragraph 78 of the Durban Programme of Action, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990;[4]

8. *Emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the elimination of all forms of racism and, in particular, towards the achievement of the objectives of the Durban Declaration and Programme of Action;

[4] United Nations, *Treaty Series*, vol. 2220, No. 39481.

9. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

10. *Reaffirms its commitment* to eliminating all forms of racism, racial discrimination, xenophobia and other forms of related intolerance against indigenous peoples, and in this regard notes the attention paid to the objectives of combating prejudice and eliminating discrimination and promoting tolerance, understanding and good relations among indigenous peoples and all other segments of society in the United Nations Declaration on the Rights of Indigenous Peoples;[5]

11. *Acknowledges* that the World Conference, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

12. *Also acknowledges* that the outcomes of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Durban Review Conference are on an equal footing with the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

13. *Recalls* that 2011 will mark the tenth anniversary of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and decides to call for a one-day plenary event to commemorate the ten-year anniversary of the World Conference during the high-level segment of the General Assembly to be devoted to the elimination of racism, racial discrimination, xenophobia and related intolerance during its sixty-sixth session, in 2011, the modalities of which will be finalized during the sixty-fifth session;

14. *Welcomes* the adoption of the laudable initiative led by the States members of the Caribbean Community and other Member States for the establishment of a permanent memorial at the United Nations to the victims of slavery and the transatlantic slave trade as a contribution towards the fulfilment of paragraph 101 of the Durban Declaration, expresses its appreciation for contributions made to the voluntary fund established in this regard, and urges other countries to contribute to the fund;

15. *Expresses its appreciation* for the continuing work of the mechanisms mandated to follow up the World Conference;

16. *Decides* that the implementation of the outcome of the Durban Review Conference shall be undertaken in the same framework and by the same mechanisms as the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

17. *Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and to this end emphasizes the importance of

[5] Resolution 61/295, annex.

the mandate of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, especially in mobilizing the necessary political will for the successful implementation of the Declaration and Programme of Action;

18. *Requests* the Secretary-General to provide the necessary resources for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standards;

19. *Expresses its concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism, and in this regard invites all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

20. *Welcomes*, in this context, the initiative of the Fédération internationale de football association to introduce a visible theme on non-racism in football, and invites the Fédération to continue with this initiative at the 2010 soccer World Cup tournament to be held in South Africa;

21. *Acknowledges* the guidance and leadership role of the Human Rights Council and encourages it to continue overseeing the implementation of the Durban Declaration and Programme of Action and the outcome of the Durban Review Conference;

22. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to provide the Human Rights Council with all the necessary support in order for it to achieve its objectives in this regard;

II
General principles

23. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

24. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

25. *Expresses deep concern* at inadequate responses to emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to address these scourges vigorously with a view to preventing their practice and protecting victims;

26. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in

purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

27. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

28. *Also recognizes* that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth or other status;

29. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law;

30. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

31. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

32. *Calls upon* all States, in accordance with the commitments undertaken in paragraph 147 of the Durban Declaration and Programme of Action,[1] to take all necessary measures to combat incitement to violence motivated by racial hatred, including through the misuse of print, audio-visual and electronic media and new communication technologies, and, in collaboration with service providers, to promote the use of such technologies, including the Internet to contribute to the fight against racism, in conformity with international standards of freedom of expression and taking all necessary measures to guarantee that right;

33. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for all cultures, civilizations, religions, peoples and countries, as well as information on the follow-up to and implementation of the Durban Declaration and Programme of Action;

34. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

III
International Convention on the Elimination of All Forms of Racial Discrimination

35. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination[6] are of paramount importance for the fight against racism, racial discrimination, xenophobia and related intolerance, and for the promotion of equality and non-discrimination in the world;

36. *Expresses grave concern* that universal ratification of the Convention has not yet been reached, despite commitments under the Durban Declaration and Programme of Action,[1] and calls upon those States that have not yet done so to accede to the Convention as a matter of urgency;

37. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain on its website and issue regular updates on a list of countries that have not yet ratified the Convention and to encourage such countries to ratify it at the earliest;

38. *Expresses its concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impede the effectiveness of the Committee, makes a strong appeal to all States parties to the Convention to comply with their treaty obligations, and reaffirms the importance of the provision of technical assistance to requesting countries in the preparation of their reports to the Committee;

39. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention on the financing of the Committee, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

40. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights[7] and article 5 of the Convention;

41. *Recalls* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

42. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;

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[6] Ibid., vol. 660, No. 9464.

[7] Resolution 217 A (III).

IV
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and follow-up to his visits

43. *Takes note* of the work done by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and welcomes Human Rights Council resolution 7/34 of 28 March 2008,[8] by which the Council decided to extend the mandate of the Special Rapporteur for a period of three years;

44. *Also takes note* of the reports of the Special Rapporteur,[9] and encourages Member States and other relevant stakeholders to consider implementing the recommendations contained in his reports;

45. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

46. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities;

47. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit;

48. *Urges* the High Commissioner to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

49. *Requests* the Secretary-General to provide the Special Rapporteur with all the human and financial assistance necessary to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit a report to the General Assembly at its sixty-fifth session;

50. *Requests* the Special Rapporteur to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights by national or ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees;

51. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

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[8] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

[9] See A/64/271 and A/64/295.

V

General

52. *Recommends* that the meetings of the Human Rights Council focusing on the follow-up to the World Conference and the implementation of the Durban Declaration and Programme of Action[1] be scheduled in a manner that allows broad participation and that avoids overlap with the meetings devoted to the consideration of this item in the General Assembly;

53. *Requests* the Secretary-General to submit a report with recommendations on the implementation of the present resolution to the General Assembly at its sixty-fifth session;

54. *Decides* to remain seized of this important matter at its sixty-fifth session under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance".